

2013 INTERIM PARLIAMENTARY

HANDBOOK FOR DEC MEMBERS

ELECTIONS
OF GEORGIA



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CHAPTER I. RECRUITMENT RULE OF THE DISTRICT ELECTION COMMISSION

recruitment rule and the term of authority of the District Election Commission

(Election Code – Article 19, Article 20)

District Election Commission (DEC) shall be composed of 13 members:

- ▶ 5 members shall be elected by the Central Election Commission (CEC) (for a 5 year term);
- ▶ 7 members shall be appointed by parties (they shall be appointed after calling of the elections and their term of authority ends after the announcement of final results of the elections);
- ▶ 1 member shall be elected by the CEC.

Head Officials of the DEC and their authorities

(Election Code – Article 22, Article 22)

The head officials of the DEC are:

- ▶ Chairperson of the Commission;
- ▶ Deputy Chairperson of the Commission;
- ▶ Commission Secretary.

Chairperson of the DEC shall:

- ▶ chair the Commission session;
- ▶ Manage Commission funds;
- ▶ task a Deputy Chairperson, Commission Secretary, other members of the Commission, assisting and technical personnel;
- ▶ register initiative groups of voters, also majoritarian candidates nominated to the DEC by a party/block/initiative group of voters and issue to them appropriate certificates.

Deputy Chairperson shall:

- ▶ perform duties of the DEC Chairperson if the Commission does not have a Chairperson or he/she is unable to fulfill his/her duties;
- ▶ under the ordinance of the DEC Chairperson, fulfill some of the DEC Chairperson's responsibilities.

The Commission Secretary shall:

- ▶ distribute the documentation and correspondence submitted to the Commission;
- ▶ issue appropriate certificates to the proxies appointed in PECs;
- ▶ under the ordinance register observers appointed in DEC and PEC and issue to them relevant certificates;
- ▶ under the ordinance, register media representatives and provide them with accreditation certificates;
- ▶ draw up drafts of the commission ordinances, draft the protocols of the DEC session, including summary protocols of election and polling results.

Preparation of the District Election Commission sessions

(The DEC Regulation – Article 9)

The Commission Secretary posts in a visible place at the DEC the statement on convening of the session, indicating the date, exact time and tentative agenda.

The deputy chairperson, and in case of his/her absence, the commission secretary, shall be personally responsible for informing all members of the Commission on the session date and the exact time of its commencement.

The DEC session shall be open

(Election Code – Article 8.15)

The following persons shall be authorized to attend the Commission session:

- ▶ members of the CEC and representatives of the commission;
- ▶ staff representatives of the CEC and respective DEC;
- ▶ representatives of media accredited at the respective commission;
- ▶ one representative of the election subjects;
- ▶ one observer from each domestic observer organization;
- ▶ one observer from each international observer organization (with an interpreter).

In case of breach of order and obstructing the work of the DEC, the commission shall be authorized to make a decision on the removal of the person violating the order, which shall be recorded in the minutes of the session.

Running of the DEC session

(The DEC Regulation – Article 9; Article 10)

The DEC chairperson or a deputy chairperson shall chair the commission session. A session shall be authorized, if attended by the majority of the total number of the commission members, not less than 7 members. The commission members endorse their attendance at the session by signing the attendance paper. The commission session agenda shall be prepared by the Commission Secretary.

The issues under discussion shall be put to vote in accordance with the sequence of topics introduced.

Every member of the Commission shall be entitled to make remarks for the duration of 2 minutes regarding the topic envisaged by the agenda. Persons authorized to attend the Commission session make their remarks following the Commission members, with the consent of the Chairperson of the session.

Minutes of the District Election Commission Session

(Election Code – Article 8.7,9)

The process of discussion of topics and decision-making at the DEC sessions shall be reflected in the minutes of the session. The Commission Secretary shall draw up the minutes of the session within 1 day after the session and register in the registration book in the section “Outgoing Documentation”. The minutes of the session shall be signed by the session Chairperson and the Commission secretary.

Attention!

- ▶ **A member of the Commission objecting to the decision of the Commission shall be entitled to express his/her dissenting opinion, which shall be included in the minutes of the session.**
- ▶ **Member of the Commission with a dissenting opinion shall respect and comply with the decisions delivered by the Commission. He/she shall have no right to impede the execution of the decision by his/her action.**

Rules of correspondence of the DEC

(The DEC Regulation – Article 11)

A registration book shall be run at the DEC and the Commission Secretary shall be responsible for its management.

The registration book shall be closed at 18:00 each day. After the last entry, both parts of the book shall be noted “Registration book is closed”, and it shall indicate the date and the exact time. The above note shall be confirmed with the signature of the commission secretary.

Legal acts of the District Election Commission

(Election Code – Article 30.1.b; the DEC Regulation – Article 7)

Legal acts of The DEC are the following:

- ▶ Ordinance of the Commission;
- ▶ Ordinance of the Commission Chairperson;
- ▶ Ordinance of the Commission Secretary;
- ▶ Summary Protocol of polling and election results of the Commission.

The DEC Ordinance

(Election Code – Article 21)

The DEC decision shall be endorsed by an ordinance. The DEC Ordinance may be issued:

- ▶ on setting up of polling stations and specifying the boundaries;
- ▶ on changing of data of the PEC summary protocol of polling results;
- ▶ on deeming the polling results in the election precinct null;
- ▶ on annulment of decisions made by the PEC, PEC officials;
- ▶ On granting to local organization the status of a domestic observer.

Ordinance of the commission is signed by the chairperson of the session and commission secretary.

Ordinance of the DEC chairperson shall be issued:

(Election Code – Article 22.1; DEC regulation – Article 1.6)

- ▶ regarding the granting to the Deputy Chairperson certain powers of the Commission Chairperson;
- ▶ on registration of initiative group of voters, also, on registration of majoritarian candidates nominated to DEC by a party/election block/initiative group of voters;
- ▶ on defining timeframes and work hours for the Commission operations during the election period;
- ▶ On convening the PEC first session.

Ordinance of the Commission Secretary shall be issued:

(Election Code – Article 22.3.b,d)

- ▶ On accreditation of media representatives;
- ▶ On the registration of observers appointed in district and precinct election commissions by the local organization holding an election observer status;
- ▶ On the registration of proxies.

Summary protocol of election and polling results of the commission

(Election Code – Article 70.2; Article 75.4)

The summary protocol is an individual administrative-legal act verifying polling and elections results.

Summary protocol of election and polling results of the DEC shall be signed by all Commission members attending the session.

Procedures for adoption of an ordinance at the District Election Commission session

(Election Code – 8.4; the DEC Regulation – Article 7.4; Article 10)

The commission Secretary prepares a draft ordinance of the DEC. The ordinance of the commission shall be considered adopted, if voted by a majority of the members attending the session, but not less than one-third of the total number of the Commission members (not less than 5 members).

Decisions of the district election commission regarding decisions made by precinct election commissions, including nullification of election district/precinct results, opening of packages received from the precinct election commission and counting of ballot papers and special envelopes, shall be adopted by not less than two-third of those present at the session.

In case of an equal number of votes, a session Chairperson shall have the casting vote. The Commission ordinance shall be posted at the DEC in a visible place upon its signing.

DEC engagement and restrictions during the pre-election agitation/campaign

(Election Code -Article 45.8)

Based on the list of buildings and premises allocated by the local self-government bodies for election subjects, the DEC shall, with the consent of election subjects, draw up a schedule for electoral events (if the activities overlap and the election subjects fail to reach an agreement, the sequence of activities shall be determined by casting lots).

Attention!

An Election Commission member shall be prohibited to participate in the pre-election agitation.

CHAPTER III. FIRST SESSION OF THE PRECINCT ELECTION COMMISSION

First Session of the Precinct Election Commission

(Election Code – Article 8.23; Article 25.21)

The first session of the Precinct Election Commission (PEC) shall be held no later than the 34th day (March 24) before the Election Day. The DEC chairperson shall call the session. The Commission session shall be authorized, if attended by a majority of the total number of the Commission, not less than 7 members. The commission session shall be chaired by the senior member of the commission until the election of the chairperson.

Rule of election of the PEC chairperson/deputy chairperson

(Election Code – Article 25)

PEC Chairperson/deputy chairperson shall be elected from the commission members, by a roll-call, by a majority vote of the total number of members. Not less than 2 members of the commission shall be authorized to nominate a candidate.

Attention!

- ▶ **Same candidate may be nominated only twice.**
- ▶ **Nominated candidate shall be entitled to participate in voting and cast a vote in favor of himself/herself.**

Election of PEC chairperson/deputy chairperson shall be documented by the PEC ordinance.

If within the established term, the chairperson/deputy chairperson of the PEC is not elected, duties of the above officials prior to his/her election shall be fulfilled by the election commission member with the highest votes; and in case of equal votes - the official shall be elected by casting lots.

Rule of election of the PEC Secretary

(Election Code – Article 25.15-19)

The secretary of the PEC shall be elected from members appointed by parties (except for the member appointed by the United National movement).

Not less than 2 members of the Commission shall be authorized to nominate a candidate for secretary of the PEC (except for the member appointed by the United National Movement).

Commission secretary shall be elected by a roll-call, by the PEC members appointed by the parties (except for the member appointed by the United National Movement) by a majority of the attending members of the session.

If the commission members appointed by the parties fail to elect the secretary of the PEC, he/she shall be elected from the nominated candidates by a majority of the total number of the commission (but not less than 7 members).

If secretary of the commission still cannot be elected, duties and responsibilities of the PEC secretary before his/her election shall be fulfilled by a commission member having gained most votes at the voting, and in case of equal votes - the person identified by casting lots.

In case no candidate for secretary of the PEC is nominated by commission members appointed by the parties, any two members of the commission shall be authorized to nominate a candidate. Commission Secretary shall be elected from the Commission, with a majority of the votes of the total number of the Commission (but not less than 7 members).

Attention!

- ▶ **Nominated candidate shall be entitled to participate in voting and cast a vote in favor of himself/herself;**
- ▶ **Election of PEC Secretary shall be documented by the PEC ordinance.**

PART II

ACTIVITIES OF THE DISTRICT ELECTION COMMISSION DURING THE PRE-ELECTION PERIOD

CHAPTER I. LIST OF VOTERS

Procedure for submission of the General List of Voters to the District Election Commission and its publication

(Election Code – article 31)

The General List of Voters designated for public information (wall list) signed by the Chairperson of the DEC and Commission Secretary shall be transferred to the PEC no later than the day of first meeting (no later than the 34th day – March 24, before the polling day).

The wall list shall be immediately posted in a visible place in the PEC building.

Final lists shall be submitted to the PEC no later than the second day (April 25) before the polling day:

- ▶ the version of the list designated for the Election Commission (table list);
- ▶ the version of the list designated for public information (wall list).

Verification of Data in the General List of Voters

(Election Code – Article 31.7)

A party/election block having electoral registration, observer organization, voter shall be authorized to have access to the versions of the list of voters at the DEC and PECs designated for public information. If inaccuracies are identified, they shall be authorized to request to make amendments to the lists of voters **no later than on the 16th day** (April 11) prior to the elections. Applications on requesting amendments to be made to the lists of voters shall be filed either directly to the **Election Administration**.

Attention!

A voter shall be entitled to request access to all available data related to him/her or his/her family members and to amend it.

DEC shall review applications and petitions submitted by the PEC within 2 calendar days, but no later than the 14-th day (April 13) before the Election Day, and shall deliver decision:

- ▶ on amending the data of voters/the lists of voters, or
- ▶ on rejecting the request to amend the data of voters/the lists of voters

Attention!

The ordinance on rejecting the request to amend the data of voters/the lists of voters shall be substantiated, and on the following day after its issuance, shall be transmitted to the applicant upon request.

Amendments to the General List of Voters

(Election Code – Article 31.9)

An ordinance issued by the DEC on making amendments to the data of voters/ the lists of voters shall be transmitted to the CEC and respective PEC within 2 days. In case the request is fulfilled:

- ▶ the voter will be included in the list, or
- ▶ data on the voter will be removed from the list of voters.

Rule of appeal of the Commission Ordinance

(Election Code – Article 31.10)

An ordinance issued by the DEC on the refusal to amend the lists of voters can be appealed in the district/city court within 2 days after its issuance.

In case of upholding of a lawsuit by the court, the court judgment shall be transmitted to the DEC within 2 days, but not later than on the 11th day (April 16) before the Election Day. The Commission shall immediately transmit appropriate information to the CEC and respective PEC.

Special list of voters

(Election Code – Article 32)

DEC shall include in the special list of voters the following voters:

- ▶ election administration officials unable to participate in the elections on the polling day by their place of registration, due to their operation to election commissions. (These officials shall be added by the DEC to the list of pre-defined election precinct **no later than on the 5th day before polling**);
- ▶ voters undergoing treatment in a hospital or any other in-patient medical establishment and due to their health conditions not being discharged from hospital by the polling day. (The list of these individuals shall be submitted to the relevant DEC by the head of respective medical institution **no later than on the 6th day before polling**);
- ▶ voters serving sentence in prisons on the polling day. (The list of these individuals shall be submitted to the relevant DEC by the head of the relevant penitentiary institution **no later than on the 6th day before polling**).

The DEC shall compose and approve special list of voters under its ordinance not later than on the 3rd day (April 24) before the polling day and immediately submit them to the relevant PEC.

After drawing up the Special Lists of Voters, the DEC shall transmit to the PEC data on voters incorporated into special lists of another precincts.

PEC Secretary shall find voters incorporated into special lists or those transferred to special lists of another precinct in the general list of voters (in table, also wall copies) and in the box “actual status”, along the line that includes the surname of a voter, shall make a note: “commission member”, “in prison”, “in hospital”, “in military service”.

If a voter addresses the DEC with the request to participate in the elections, who no later than on the 16th day (April 11) before the Election Day failed to address the Commission with the request to be registered in the list (**arrived from abroad, was discharged from the hospital, was released from the penitentiary institution**), once the relevant documentation is submitted (certificate on crossing of a border – entry in the passport, certificate from the medical institution on discharge, or a certificate from the penitentiary institution on release), a voter shall be registered by the Election Commission within 2 calendar days after the submission of the application, and if there are less than 2 days left before the polling day – shall be registered immediately (information on the voter shall be incorporated into the Special List of Voters).

Attention!

Decision on rejecting the request shall be communicated to the voter immediately.

Procedures for drawing up of the mobile Ballot Box List of Voters

(Election Code – Article 33; Article 34.2.e)

The PEC shall be responsible for drawing up of the mobile ballot box list of voters. The list of mobile ballot box shall be drawn up on the basis of general and special lists of voters.

A voter shall be included in the mobile ballot box list if:

- ▶ a voter is unable to independently visit the polling premises due to limited capabilities and/or health conditions (the number of such voters **shall not exceed 3 percent** of the existing voters in the general list of voters per election precinct);

Attention!

After exceeding the above number of voters, the PEC chairperson shall immediately notify the DEC on every new application submitted to the PEC. The decision on the appropriateness to include a new voter in the mobile ballot box list shall be made by the two-third vote of the DEC members attending the session.

- ▶ a voter is on the territory of the polling station, but on a place difficult to access (in such case, it is recommended to consult with the DEC).

The mobile list of voters, based on special lists and information submitted by the DEC shall include a voter undergoing treatment in hospital or any other inpatient medical facility; or is in prison.

In case of inclusion of a voter in the list of mobile ballot box, along general and special lists, a box “Actual Status” shall indicate: “mobile ballot box”.

CHAPTER II. TRANSFER OF THE ELECTION DOCUMENTATION AND INVENTORY

Transfer of election documentation to the Precinct Election Commission

For preparation and conduct of polling, the DEC, before the polling day, shall transmit to the PEC the following:

Election Documentation

- ▶ final version of the general list of voters;
- ▶ voting invitation cards;
- ▶ forms of the mobile voters’ lists;
- ▶ ballot paper books;
- ▶ special envelopes;
- ▶ polling day log-books;
- ▶ control sheets;
- ▶ summary protocol of polling results and “Amendment Protocol” forms;
- ▶ public display protocol.

Election Inventory

- ▶ general and mobile transparent ballot boxes;
- ▶ seals of the ballot boxes;
- ▶ polling booths;
- ▶ ink and a special device for checking inking (ultra-violet lights);
- ▶ special stamps of the PEC;
- ▶ registrars’ stamps;
- ▶ copy machine;
- ▶ inking stamps.

Other Election Materials

- ▶ list of election subjects (List of majoritarian candidates);
- ▶ instruction for filling in the ballot paper;
- ▶ extract from the law, concerning in which case the ballot paper is deemed invalid;
- ▶ envelopes for wrapping election documentation.

The DEC shall transfer the ballot papers and special envelopes to the PEC no later than 12 hours before the polling starts, at the time of drawing up a receipt-delivery act (*Election Code – Article 63.9, 10*).

Attention!

Before registering the act, receiving and delivering parties shall confirm the compliance of the information on ballot papers and count the number of ballot papers to be transmitted, the ballot papers shall be sealed again, which shall be endorsed with signatures of the parties (*Election Code – Article 63.11*).

CHAPTER I. RULE OF REGISTRATION OF A CANDIDATE FOR MEMBER OF THE PARLIAMENT

Nomination of candidates in the majoritarian election district*(Election Code – Article 116.2)*

Any party/election bloc participating in elections independently shall have a right to nominate one candidate to be elected under majoritarian system for a Member of Parliament in every election district, while initiative group of voters – in respective majoritarian election districts – shall be entitled to nominate **one candidate** in each election district for the Member of Parliament.

Registration of an Initiative group of Voters*(Election Code – Article 116.3 –7,9)*

For nomination of a candidate for a member of the Parliament of Georgia, an initiative group of voters shall file an application to the respective DEC **no later than the 57th day before polling** (March 1) under which it shall be entitled to start collecting signatures of supporting voters.

The application shall include the following information about a candidate for member of Parliament:

- ▶ first name and last name;
- ▶ date of birth (Day/Month/Year);
- ▶ occupation;
- ▶ position (activity);
- ▶ place of work;
- ▶ place of registration;
- ▶ party affiliation;
- ▶ duration of residence in Georgia;
- ▶ first name, last name, number of the personal identification number of a citizen of Georgia (passport number of a citizen of Georgia), place of registration, contact telephone number and other information (if applicable) of representatives of the nominating initiative group of voters and their representative.

An application signed by all members of the initiative group of voters shall be attached:

- ▶ **a written consent** of a nominated candidate for member of Parliament of Georgia on running in the elections;
- ▶ a copy of his/her personal identification card;
- ▶ 2 photographs.

No later than **the following day** after filing the application, the DEC chairperson shall register the initiative group of voters. If submitted application documents do not meet the requirements defined by Law, the DEC chairperson shall immediately notify the applicant about the error. Corrected documents shall be resubmitted no later than the **following day** to the DEC chairperson for registration.

Registration of candidates nominated by the Initiative Group*(Election Code – Article 115.7-11; 116)*

To register the candidate for member of the Parliament of Georgia, representative of the initiative group of voters, **no later than the 50th day prior to polling** (March 8), shall submit to the relevant DEC the following:

- ▶ a bank-issued document certifying the **5000 GEL deposit** made by the majoritarian candidate for MP;
- ▶ certificate of narcotic drug test (2 copies);
- ▶ registration card (2 copies);
- ▶ list of supporting voters of a candidate.

Nomination of a candidate by the initiative group of voters shall be endorsed **by signatures of no less than 1 percent** of supporting voters registered on the territory of the relevant election district, except for the case when a nominated candidate was elected as a member of the Parliament of Georgia after the recent parliamentary elections.

Candidate for Member of Parliament of Georgia shall be registered **under the ordinance of the relevant DEC chairperson** no later than the 30th day before the Election Day (March 28).

The DEC chairperson issues to the candidate for member of the Parliament of Georgia a relevant certificate **within 3 days** after registration.

The DEC chairperson shall not register a candidate for member of the Parliament of Georgia if:

- ▶ he/she has not been tested for narcotic substances, or if the test results confirmed the use of narcotic substances by this person;
- ▶ another elections are scheduled to be held during the period of Parliamentary Elections of Georgia, and if simultaneously there is or was a consent of a candidate for member of Parliament to run in elections with a status of a candidate;
- ▶ requirements and timeframes defined by the Law for nominating a candidate are violated (the data stipulated in applications or documents are incomplete or incorrect);
- ▶ a bank-issued document certifying the **5000 GEL deposit** made by the majoritarian candidate for an MP on the account identified by the CEC is not submitted;
- ▶ in the list of supporters includes less voter signatures than the established required number;

Inspection of lists of supporters

(Election Code – Article 38)

The lists of supporters of a candidate nominated by the initiative group of voters shall be inspected by the DEC. Representative of an election subject shall have a right to attend the process of inspection of the list of supporters. Inspection of the list of supporters of a candidate shall be concluded **within 3 days after the submission**. Signatures on the form of the list of supporters shall be inspected consecutively.

A signature shall be deemed invalid if it is made on a form, not endorsed by a person responsible for collecting signatures, or if the form does not contain or incompletely specifies the following information on a person responsible for collecting signatures:

- ▶ first and last names;
- ▶ address (According to the Personal identification Card of a citizen of Georgia);
- ▶ contact phone number;
- ▶ date of filling-out the form;

Signature of a voter in the list of supporters shall be **considered invalid** if it fails to indicate or incompletely specifies the following on a voter:

- ▶ the first and last names;
- ▶ date of birth (day, month, year);
- ▶ place of registration (residential area, street, building and apartment number);
- ▶ personal number of a citizen of Georgia (specified inaccurately);

- ▶ date of signing is not specified or does not correspond to the deadline for drawing up the list of supporters;
- ▶ not signed or signed by another person, which is confirmed in writing by the voter (instead of whom the list was signed);
- ▶ a signatory to the application submitted to the relevant election commission confirms that the list was signed by deception, intimidation or under pressure, and the signature on this application was certified by a notary;
- ▶ a voter registered in another election district is included as a supporter in the list of supporters of a candidate nominated to the election district.

If number of signatures of supporter in the form of the list of supporter is less than the established minimum requirement, or due to **invalid** signatures revealed after inspection the number of signatures of supporter turned out to be less than the established minimum required number, invalid part of the list of supporters shall be returned to the initiative group of voters, which **shall revise the discrepancy within 2 days**.

The revised list of supporters, resubmitted by the initiative group of voters, shall be once again inspected by the election commission according to procedures stipulated above. If the number of signatures of supporters is still less than the established minimum of signatures, the list shall be **fully invalidated** and the contestant shall be **refused for electoral registration by the ordinance of the chairperson of commission**.

Registration of candidates nominated by a party/election bloc

(Election Code – Article 116.1,2,8;117)

Any party/election bloc participating in elections independently has a right to nominate a candidate to be elected under majoritarian system for a Member of Parliament in an election district. A party/election bloc shall submit to the CEC registration documentation of a majoritarian candidate no later than the 30th day before polling (March 28).

The application shall be endorsed by the party/election block independently participating in election, with a signature of a person(s) authorized to sign the application, and the following shall be attached in two copies:

- ▶ registration card filled out and signed by the candidate for a member of Parliament;
- ▶ photo of a candidate for a member of Parliament;
- ▶ certificate of narcotic drug test.

The application shall include the following information about a candidate:

- ▶ first name and last name;
- ▶ date of birth (Day/Month/Year);
- ▶ address (according to place of registration);
- ▶ Personal Identification number of a citizen of Georgia or passport number and personal number;
- ▶ place of work (name of the institution, organization, business, etc.);
- ▶ position (if unemployed, it should be noted – “unemployed”);
- ▶ party affiliation (if not a party member, it shall be a noted - “nonpartisan”);
- ▶ name and number of the majoritarian election district.

To register majoritarian candidates nominated by a party/election block in the election district, applications and attached documents shall be verified by the DEC chairperson **no later than the 25th day** before the Election Day (April 2). DEC chairperson shall:

- ▶ register a candidate, if all submitted documents comply with the requirements prescribed by the Election Code;

- ▶ give a written notice to the representative of the party/election bloc on any discrepancy, between the requirements established by the Election Code and the data specified in the documents attached thereto (it must indicate areas of discrepancy).

In case of identifying discrepancy in the application and documents attached, the representative of a party/election block shall be given **3 days** to correct the discrepancy. In case of submission of the corrected data, **the issue of electoral registration of a candidate** shall be resolved **within 5 days** after their submission, but **no later than the 20th day before Election Day** (April 7).

If the corrected data **complies** with the requirements of the Election Code, the DEC chairperson shall register the candidate.

If the corrected data **do not comply** with the requirements established by the Election Code, within the same timeframe, DEC chairperson shall issue an ordinance on the decline of electoral registration of a candidate.

DEC chairperson **shall not register** a candidate for Member of Parliament of Georgia if:

- ▶ requirements and timeframes defined by the Law for nominating a candidate are violated (the data stipulated in applications or documents are incomplete or incorrect);
- ▶ another elections are scheduled to be held during the period of Parliamentary Elections of Georgia, and if simultaneously there is or was a consent of a candidate for member of Parliament to run in elections with a status of a candidate;
- ▶ a candidate for majoritarian member of Parliament has not been tested for narcotic substances, or if the test results confirmed the use of narcotic substances by this person.

The representative of the party/election block shall be immediately notified by the DEC regarding the ordinance mentioned above and the ordinance shall be transmitted to the party/election block upon request.

Determining of the assigned number of an election subject

(Election Code – Article 119; CEC ordinance of February 15, 2013 N3/2013 – Article4)

Majoritarian candidates nominated by the party/election bloc have the same assigned number as assigned to the nominating political party/election bloc.

The **DEC** shall **assign a sequential number** to a candidate nominated by the initiative group of voters no later than the 30th day before the polling day (March 28). Procedures of casting lots shall be held in the election commission office and attended by persons authorized to attend the session.

For casting lots, chairperson of the election commission shall:

- ▶ put down on a paper of the same shape and type and by using the same pen the numbers corresponding to the quantity of majoritarian candidates nominated by the initiative group of voters, which starts with a number that follows the highest sequential number assigned to the parties/election blocks participating in elections;
- ▶ Each sheet must be certified by the commission stamp;
- ▶ Each sheet shall be folded in a way that makes it impossible to read the numbers written on them;
- ▶ The Commission chairperson shall place the filled out sheets into a transparent box, from which representatives of initiative group of voters shall take the sheets one by one;
- ▶ The number drawn becomes the assigned number of the electoral subject.

Attention!

Majoritarian candidates nominated by the initiative group of voters shall participation in casting lots in accordance with the sequence of registration and/or submission of application on registration in the DEC.

The CEC shall publish the data on candidates registered in majoritarian election districts to appear in ballot papers, through press and other media, **no later than 25 days prior to the Election Day** (April 2).

CAPTER II. ACCREDITATION OF OBSERVERS, REPRESENTATIVES OF ELECTION SUBJECTS, PRESS AND MEDIA REPRESENTATIVES

Registration of observer organizations

(Election Code – Article 39.2, Article 40)

DEC shall register domestic observer organization, which will observe elections at one election district.

Domestic observer organization may be a local non-entrepreneurial (non-commercial) legal entity, registered in accordance with the Georgian legislation no later than 1 year prior to the polling day, the statute and regulation (constituent document) of which, at the time of registration, envisages election monitoring and/or protection of human rights and which is registered with the CEC or a relevant DEC for the purpose of observing elections.

To be registered, a domestic election observer organization shall file an application to the district election commission no later than 10th day before the polling day (April 17) and submit the constituent document/statute notarized. The application shall include the name of the election district in which the organization will carry out observation.

The election commission shall make a decision on registration **within 5 days** of the submission of the application.

Attention!

- ▶ **The Election Commission shall not have a right to decline registration of an observer organization, if this organization complies with the requirements of the Election Code of Georgia.**
- ▶ **The ordinance of the Election Commission on decline of the registration shall be substantiated and shall be transmitted to the organization no later than the following day after decision is rendered. In this case, the ordinance of the Election Commission may be appealed in court within 2 days after its submission.**

If registered, a domestic observer organization shall submit to the DEC Secretary a list of observers appointed at the DEC and the PEC no later than on the 5th day before polling day (April 22).

The list shall include the following information about an observer:

- ▶ the first and last names;
- ▶ place of registration;
- ▶ election district and election precinct (s) at which he/she will observe the elections.

The list shall be enclosed with the copies of personal identification cards of Georgian citizens held by domestic observers.

Domestic observer of a domestic observer organization may be any citizen of Georgia above the age of 18 (*Election Code – Article 39.4*), except for:

- ▶ officials holding state-political positions;
- ▶ member of the Parliament of Georgia;
- ▶ member of the local self-government representative body - Sakrebulo;
- ▶ heads and deputy heads of the local self-government executive body;
- ▶ judges;
- ▶ officials of the Prosecutor's Office;

- ▶ staff of the Ministry of Internal Affairs of Georgia, Ministry of Defense and, Georgian Intelligence Service and Special State Protection Service of Georgia;
- ▶ election subjects and their proxies;
- ▶ election commission members.

Deadline for registration of an observer organization observer

(Election Code – Article 40.9)

The secretary of Election Commission shall, no later than on the 2nd day of the submission of the list of observers, register an observer and issue to the organization an observer certificates.

Observer certificate at the same time represents a badge, which shall be enforced at the moment of its issuance and its operation shall be terminated in 2 weeks after summing up the final results of elections.

Attention!

An observer registered at the DEC shall be authorized to observe at any polling station on the territory of respective election district on the polling day *(Election Code – Article 40.10)*.

Registration of representatives of election subjects

(Election Code –Article 42)

A party/election bloc registered by the CEC shall be entitled to appoint 2 representatives at every election commission, while an initiative group of voter shall be entitled to appoint representatives in relevant election commissions.

An election subject shall submit an application to the district election commission on the appointment of a representative.

The application shall be signed by the leader of a party/election bloc or his/her authorized person and it shall include the following about the representative:

- ▶ first and last names;
- ▶ year of birth;
- ▶ address;
- ▶ contact telephone number (if any).

In case of submission of complete information, within 24 hours, the DEC shall by its ordinance, take as a note the information on registration of an observer and the commission secretary shall issue an observer certificate, which at the same time represents a badge.

Attention!

An election subject shall have the right to withdraw and/or replace its representative at any time on which it shall inform the appropriate election commission.

Accreditation of Representatives of the Press and other Mass media

(Election Code – Article 44)

Accreditation of representatives of press and other media operating on the territory of several election districts shall be conducted by the CEC secretary or by the secretaries of the appropriate DEC. Accreditation of media representatives operating on the territory of one election district shall be conducted by the secretary of the appropriate DEC.

- ▶ forward checked protocols to the commission secretary.

Commission Secretary shall:

operate the summary chart of preliminary election results in accordance with the received protocols (so that the persons authorized to be present at the election commission pay attention to the process of checking the protocols received from the election commission).

Attention!

- ▶ **If the protocol is filled in incorrectly, the data of the protocol shall not be included in the summary chart of preliminary results;**
- ▶ **Protocol filled in incorrectly shall be set aside and considered on a later stage by the DEC.**

Commission member responsible by the PEC for submission of election documentation shall make a note on the receipt of material and issue a receipt-delivery act.

CHAPTER II. SUMMARIZING ELECTION RESULTS AT THE DEC

Summarizing election results

(Election Code – Article 75, Article 124)

On the basis of summary protocols of the PEC, considering the results of the examination of a violation of election legislation, the DEC, no later than on the 11th day (May 8) following the polling, shall summarize the polling results and draw up the summary protocol.

All members of the DEC attending the commission session are obliged to sign the summary protocol of election results. The protocol shall be endorsed by the DEC stamp.

If a DEC member disagrees with the data included in the summary protocol, he/she is entitled to indicate in the protocol what he/she disagrees with, and attach a written dissenting opinion to the protocol.

A candidate, who receives more votes than others, but not less than 30% of total number voters participating in the elections, shall be considered to be elected in the majoritarian election district *(Election Code – Article 125.3)*.

Attention!

The number of votes cast through invalid ballot papers shall not be included in the number of votes cast by voters participating in the elections.

Verification of the Precinct Election commission polling results of the PEC

(Election Code – Article 124.2)

Based on the application/complaint, the DEC is authorized to make a decision by an ordinance on opening the packages received from the PEC and re-counting ballot papers.

Attention!

In the course of opening of the election documentation, the DEC shall observe the following sequence of procedures for counting of the election documentation:

- ▶ **number of signatures in the lists of voters;**
- ▶ **number of invalid ballot papers;**
- ▶ **number of votes (ballot papers) cast to each candidate.**

In case of making decision on opening the packages received from the PEC and re-counting ballot papers, the commission shall notify each election subject and the observer organization, representatives of which were present at the process of counting of ballot papers at the polling station, and in case of their will, ensure that their representatives attend the re-counting process.

Public nature of summary protocol of election results

(Election Code – Article 75.7-9)

The commission is obliged to ensure posting of the copy of summary protocol of polling/election results for public information.

The summary protocol of the DEC polling/election results (enclosed with any dissenting opinions of commission members), as well as the DEC ordinances on amending the PEC summary protocol (if such amendments have been made) shall be immediately transmitted to the CEC.

A copy of the summary protocol of the commission (enclosed with the dissenting opinions of commission members), upon its request, shall be immediately forwarded to the representatives of a party/election bloc and to the observers of observer organizations. The copy of the protocol shall be endorsed by the DEC stamp and the signatures of the DEC chairperson and the secretary. The representative/observer shall verify the receipt of the protocol with his/her signature in the DEC logbook.

PART V

RULES FOR FILING AN APPLICATION/COMPLAINTS AND THEIR EXAMINATION PROCEDURE

Application/Complains

On violation of polling and counting procedures

Persons filing an application/complaint and their rights

The following persons In the PEC or upper DEC:

- ▶ representative of a party/election bloc
- ▶ representative of voters' initiative group
- ▶ observers of an organization having an election observer status

are entitled to:

file a complaint to the DEC, in accordance with the rules established by the Organic Law of Georgia, Election Code of Georgia, on violations committed/revealed during the polling, vote counting and procedures and summarizing of polling results:

- ▶ from the opening of the precinct (**from 7:00**) until the ballot box is opened, appeal violations of the polling procedures on the polling day (*Election Code - Article 72.3*), for which they should draft an application/complaint (**see Annex №1**) immediately after detecting the violation in compliance with the requirements of the Election Code (**see Annex №2**);

Attention!

Application/complaint form provided in Annex №1 is recommendatory in nature and can be presented in an alternative form, provided it includes required information as defined in Annex №2.

- ▶ from the time that the ballot box is opened until the summary protocol of polling results is drafted (except for drafting of the summary protocol of polling results), appeal violations occurring during the procedure of counting votes and summing up the polling results, and request for **revision or nullification of polling results**.

Attention!

An application/complaint on violations conducted from the opening of the ballot box until drafting of the summary protocol of polling results (other than drawing up the summary protocol of polling results) shall be forwarded to the upper DEC within 3 calendar days from the polling day by the PEC. The applicant/complainant may submit application/complaint concerning the same violation directly to DEC, within the same timeframe.

Summary protocol of polling results of the PEC, **within 3 calendar days** of its drafting shall be appealed before the DEC, if the PEC summary protocol of polling results is drawn up in breach of the requirements of the election legislation as provided by **Annex N4**.

Registration of the application/complaint with the District Election Commission (DEC)

The DEC secretary shall register applicant/complainant submitted to the DEC in accordance with the following procedure:

- ▶ The commission secretary notes the identity of the applicant in the commission registration book;
- ▶ Person filing the application/complaint and person receiving it sign along the inscription;
- ▶ As a proof of receipt of application/complaint, commission secretary shall issue a (signed) written notification to the applicant/complainant signed and stamped by the secretary (**See Annex №3**).

The commission secretary shall make sure that the application/complaint includes all necessary information as provided by the Organic Law of Georgia, Election Code of Georgia (**See, Annex N2**).

In case secretary of the DEC refuses to shall not handing register an application/complaint, the applicant may call the hotline number at: 032-251 00 51

Identification of errors to application/complaints

Secretary of the commission shall indicate the error of the application/complaint to the applicant and define the reasonable term for its rectification if the application/complaint does not include:

- ▶ date and time of drafting the application/complaint;
- ▶ name, address and place of registration of the applicant/complainant;
- ▶ number of the election precinct;
- ▶ in case of a witness - his/her first name, last name and place of registration.

The time given for rectification should be reasonable, that the error may be duly corrected.

Attention: Term for rectification of the error is defined by agreement between secretary of the DEC and the applicant/complainant. In case agreement between parties is not reached, the term for rectification of error is individually determined by the secretary of the election commission.

Person filing the application/complaint and person receiving it shall sign along the relevant inscription on error in the registration book.

Procedures for correcting an error

The applicant/complainant shall be entitled to correct any error, within the established period, by submitting the similar application/complaint, where the grounds for determining the error shall be eliminated, and/or

submit an application that shall include the information based on which the error has been established.

If the error is corrected, person receiving application/complaint notes **“error corrected”** along the registered application/complaint in the registration book, with reference to exact date and time when the error was corrected. Applicant/complainant and secretary of the DEC shall sign along the relevant note in the registration book.

Attention!

In case the error is not corrected during the defined period, the application/complaint shall not be reviewed, on which the PEC shall deliver ordinance (title of which should indicate specific reason for not reviewing the application/complaint).

Responding to the application/complaints

Application/complaint **shall not be reviewed**, on which the decision on disregarding the application/complaint shall be delivered by the DEC when:

- ▶ Application/complaint is drafted by an unauthorised person;
- ▶ Application/complaint does not note essence and time of violation;
- ▶ Application/complaint was submitted to the election commission in violation of timeframes established by law.

Specific reason for leaving the application/complaint unconsidered shall be indicated in the title of the ordinance.

Summoning of parties for consideration of application/complaint

DEC has to inform the party on the time and place of consideration of the complaint no later than 3 hours before the start of examination of the case, if the applicant is:

- ▶ an observer organization or its representative, registered in the election commission; time and place of consideration of the complaint shall be notified to the respective observer or this organization, registered in the election commission of this organization;
- ▶ an election subject or its appointed representative; time and place of consideration of the complaint shall be notified to the appointed representative of this subject;
- ▶ a member of the election commission; he/she shall be personally informed on the consideration of the complaint.

For considering the complaint, the parties may be summoned in writing, by telephone (including cell phone, text message), email, fax or other technical means.

Summoning of the party by technical means shall be confirmed by:

- ▶ contacting on the telephone number indicated by him/her;
- ▶ email, fax or text message – through confirmation received by relevant technical means.

The party shall also be considered summoned in case it is unfeasible to contact him/her through technical means indicated in the complaint (if the cell phone, fax, computer are turned off, etc.)

Summoning of the party through technical means shall be reflected in the act, which is attached to the complaint presented at the commission session (See, Annex N5). The act shall be drawn up by one of the members of the commission on the instruction of the chairperson of commission, and signed by the person drafting the act and the DEC chairperson.

Absence of the party shall not be a ground for postponing the examination of the complaint.

Examination of an application/complaint at the DEC

Decision on examination of the complaint shall be taken based on accurate inquiry into and study of evidences submitted by the parties and materials acquired by the election administration of Georgia on its own initiative.

A party shall have a right to participate in the process of examination of the complaint as established by the Georgian election legislation.

A party **is entitled to** conduct relations with an election commission by means of:

- ▶ a representative;
- ▶ a lawyer.

A representative should present to the election commission document of **proof of representation** certified in accordance with rules established by law:

- ▶ Representation of an initiative group of voters is proved by power of attorney issued by the group and certified by the notary officer;
- ▶ Representation of an organisation (party/election bloc/observer organisation) is proved by a power of attorney, issued by the person in charge of that organisation;
- ▶ Representation by a lawyer is proved by power of attorney /credentials issued in due manner on the name of the lawyer by the person granting such proxy.

Attention!

If a representative does not present a duly approved document of representation, he/she will not be entitled to participate in the process of application/complaint examination and the decision will be made without considering his/her position on the issue.

Application/complaint on violation of procedures for counting of votes and summarizing polling results shall be reviewed by the DEC which takes decision **within 1 calendar day from its registration in DEC**. The latter shall deliver decision in the form of an ordinance, which may be appealed only in the court according to the rule established by Election Code.

Application/Complaints

On violations of election legislation (except for the polling day)

Decisions of PEC/commission head officials may be appealed to the relevant DEC **within 3 calendar days** after their delivery.

The DEC examines the complaints on decisions of PEC/commission head officials **within 1 calendar day**.

Registration of the application/complaint with the District Election Commission (DEC)

The DEC secretary shall register applicant/complainant submitted to the DEC in accordance with the following procedure:

- ▶ The DEC secretary notes the identity of the applicant in the registration book;
- ▶ Person filing the application/complaint and person receiving it sign along the inscription;
- ▶ As a proof of receipt of application/complaint, commission secretary shall issue a written notification to the applicant/complainant signed and stamped by the secretary (**See, Annex N3**).

Attention!

In addition to the requirements established by the legislation, parties are requested to clearly indicate in their application/complaint contact details of the applicant/complainant: a telephone number, (home/cell), as well as fax and email (if any).

Responding to the application/complaint

Application/complaint **shall not be reviewed**, on which the decision on disregarding the application/complaint shall be delivered the ordinance by the DEC when:

- ▶ Application/complaint is drafted by an unauthorised person;
- ▶ Application/complaint was submitted to the election commission in violation of rules and timeframes established by law.

Attention!

DEC does not identify error for application/complaints on violations of election legislation (except for the polling day). Provided relevant grounds are present, the application/complaint will be disregarded without establishing error on it.

Summoning of parties for consideration of application/complaint and examination of application/complaint are conducted in a uniform manner which has already been discussed above, in relation to application/complaints on violation of procedures for counting of votes and polling procedure.

Appeal Term and Procedure

Decisions of DEC/commission head officials

Decisions of DEC/commission head officials regarding decisions of PEC/commission head officials (including on drawing up of a summary protocol) may be appealed to the relevant district/city court **within 2 calendar days**.

Decisions of DEC/commission head officials, except for those decisions mentioned above, may be appealed to CEC **within 1 calendar day** after their delivery.

Attention!

DEC decisions may be appealed to the relevant district/city court within 2 calendar days in following exceptional cases of:

- ▶ DEC ordinance on refusal to amend voters' data/lists;
- ▶ Election commission ordinance on refusal to register an observer organization.

Required Information of the application/complaint submitted to the Election Commission

Application/complaint shall include:

- ✓ date and time of drafting the application/complaint *;
- ✓ name, last name and place of registration of the applicant/complainant *;
- ✓ number of the election precinct*;
- ✓ in case of a witness - his/her first name, last name and place of registration *;
- ✓ essence and time of violation **;
- ✓ in case an offender is revealed - all possible date obtained on him/her**;
- ✓ explanation by the offender (if any)**;
- ✓ Contact details of the applicant/complainant: a telephone number (home and/or cell phone)***;
- ✓ as well as as fax and email (if any) of the applicant/complainant ***;
- ✓ other additional information.

* Failure to indicate the above required information accurately/fully is considered as a ground for establishing error on the application/complaint, and can serve as a ground for not reviewing it, if the error is not corrected.

** Failure to indicate the above required information is considered as a ground for not reviewing an application/complaint without prior establishment of an error on it.

*** Indication of inaccurate/incomplete information cannot be considered as a ground for establishing error on the application/complaint and not reviewing it, but can serve as a ground for impossibility to summon a party to the examination of the complaint.

№“”The DEC

Certificate

on registration of an application/complaint

Date of the receipt of an application/complaint

Time of the receipt of an application/complaint

Registration number of an application/complaint

Commission Secretary:

.....

/Signature/

Appeal of the summary protocols of polling results of the PEC is possible before the DEC, if the protocol does not include or inaccurately include the following:

- ✓ number and title of the election district, number of the polling station;
- ✓ number of the polling station set up for special cases (if any), which is assigned to the main precinct;
- ✓ title of the elections/referendum;
- ✓ polling date (if it is a repeat voting or the second round of election, this should also be indicated);
- ✓ numbers of stamps of the PEC and the registrars of voters;
- ✓ quantity of voters in the general list;
- ✓ quantity of voters in the special list;
- ✓ quantity of signatures of voters participating in the elections at 12:00 and 17:00;
- ✓ total number of voters participating in the elections (in accordance with the signatures in the voters' lists);
- ✓ quantity of ballot papers received;
- ✓ quantity of ballot papers deemed invalid;
- ✓ title of election subjects, number of votes cast to elections subjects;
- ✓ date and time of drawing up the protocol;
- ✓ data of the protocol to which the PEC member does not agree (this shall be inscribed in the box "dissenting opinion" and shall be signed by the commission member);
- ✓ registration number of the protocol, date and time of registration (shall be recorded upon issuing the protocol).

**Act
On Summoning of the Party by Technical Means**

City/town -----

„----“ „-----“ 20-- Year

Person drafting the act -----
(Name, Last name, position)

have drafted the present Act on-----

(Identity of a person being summoned, name and number of technical means employed for summoning of the party and the result)

(Time and place for examination of a complaint)

(Title of a complaint on which the person is to be summoned)

In case of absence, the party was informed about content of Articles 77.(25,31) of the Organic Law of Georgia - Election Code of Georgia.

In view of the above mentioned, the present Act was drawn up, the validity of which we hereby certify with our signatures:

(Signature of a person completing the Act)

(Signature of the chairperson of the DEC/CEC Head of Unit)

Time of drafting of the Act -----



გამოცემა დაფინანსებულია ევროკავშირისა (EU) და გაეროს განვითარების პროგრამის (UNDP) მიერ. გამოცემის შინაარსი წარმოადგენს საარქივო სისტემების განვითარების, რეფორმებისა და სწავლების ცენტრის უსუხისმგებლობას და არ გამოხატავს ევროკავშირისა თუ გაეროს განვითარების პროგრამის შეხედულებებს.

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Resilient nations.*